

CHAPTER 9: IMPLEMENTATION

Comment:	Staff Response:
<p>You give the example of laws to enforce speed limits for public safety and officers are to enforce that law. However, as it stands now, BJ tells people that the Planning Dept. decides to what level the public safety will be protected and what, and if, laws will be enforced. He tells people when the Planning Dept. will activate enforcement, that they can refuse to enforce, and if citizens do not agree with the lack of enforcement, they can sue the Planning Dept.! How can you decide which laws you want to enforce? And then expect the public to accept this type of growth policy that is more vague than the standing policies? This is a joke!</p>	<p>Implementation of the Growth Policy is addressed in Chapter 9: Implementation Strategy. Implementation is not determined by any individuals but rather occurs after a public process.</p>
<p>Enforcement: I am deeply concerned about the lack of enforcement of zoning policies when violations occur. I'd like to see the draft policy strongly recommend that the county enforce zoning violations, including by taking court action when necessary. In Neighborhood Plans, the Advisory Committees could also play a role in enforcement. Too many people have taken advantage of the absence of enforcement to ignore zoning laws. In a few instances, neighbors have been forced to sue violators at their own expense to obtain compliance. Frequently, of course, neighbors can't afford to sue. Although adding enforcement responsibilities adds expense – which civil and criminal penalties may partially offset – enforcement is a crucial component in making our zoning and growth policies truly effective.</p>	<p>Staff disagrees with this comment. Enforcement of regulations is not within the scope of the 2006 Growth Policy.</p>
<p>PART 1</p> <p>The Flathead Lakers have serious concerns about the implementation of the growth policy goals and policies. We are concerned about the ability of the county to implement the growth policy in a timeframe that effectively addresses current growth pressures. With the current rate and amount of development occurring, a plan for developing initial implementation strategies over a five year period may not assure that water quality and other important county values will be protected.</p> <p>Chapter 9 Implementation Strategy provides no information about how the implementation methods described connect with the goals and policies. The implementation methods presented are effective tools that would address some of the goals and policies, but the growth policy should clearly state which ones.</p> <p>Many important implementation tools are described or alluded to in the policies, yet there is no mention of them in the Implementation Chapter, and</p>	<p>PART 1</p> <p>Add the following sentence to the end of the last paragraph on Page 127: <i>The implementation methods discussed in this chapter are directly based on the goals and policies found throughout the 2006 Growth Policy.</i></p>

therefore, no discussion of priorities for implementation or timetables, as required, for their implementation.

Should the current draft growth policy be adopted, the current Master Plans land use designation will no longer be in effect. But the new suggested implementation methods and strategies will not yet be in place. Therefore, in the short-term, the new growth policy would provide less predictability and less protection of important qualities the citizens of Flathead County have said they want to see protected than the current Master Plan provides. To address these concerns, the Flathead Lakers recommend the following:

PART 2

2) Describe which goals and policies will be addressed by each of the suggested implementation strategies and methods and how they will be addressed.

PART 3

3) Develop and describe implementation methods and strategies in the Implementation Chapter that are described within the various policies. For example, there are several policies that recommend education programs, research programs, incentive programs, regulations, plans and policies. These should be summarized into implementation methods in the Implementation Chapter. The timeline for developing the methods and what entities would be responsible for developing them should also be described.

PART 2

Add the following sentence to the end of the last paragraph on Page 127: *The implementation methods discussed in this chapter are directly based on the goals and policies found throughout the 2006 Growth Policy.*

PART 3

Add new paragraph after first paragraph on top of page 128 that reads:

Implementation of the goals and policies outlined in the 2006 Growth Policy include several non-regulatory tools to create awareness and understanding of relevant topics affecting area growth. Listed below are the tools proposed in numerous policies, with the corresponding policy in parenthesis. The educational outreach, boards, and plans listed provide a basis for establishing and executing implementation methods in the future.

Develop educational outreach for the following topics:

*Active Management of Timberlands (P.3.1)
Agricultural Practices (P.4.1)
Solid Waste and Wildlife (P.25.4)
Household Hazardous Waste Disposal (P.25.6)
Management of Septic Systems (P.29.4)
Impacts of Septic Systems on Water Resources (P.39.7)
Landowner's Guide to Nutrient Loading Reduction in Water Supply (P.34.3)
Storm Water Management (P.36.2)
Voluntary Conservation Strategies (P.38.2)
Living With Wildlife (P.40.2)
Mineral Resource Development (P.41.2)*

Potentially establish the following boards, committees, or departments:

*Open Space Board (P.4.8, P.9.4)
Housing Committee (P.16.2)
Building Department (P.16.6)*

<p>PART 4</p> <p>4) Prioritize implementation strategies and provide a timeline for each strategy for the implementation schedule. Nine implementation methods/strategies are described, all with a five year timeline for implementation. These nine strategies, along with the many others suggested in the policies (see recommendation #3) should be prioritized and a suggested timeframe described for each. For protecting water quality, we believe the Development Predictability Map and the Special Consideration Areas for floodplains, lake and lakeshore protection, wetlands and riparian areas, and shallow groundwater areas should be given high priority. Other priorities for implementation to protect water quality include: planning, in cooperation with cities and sewer districts, for extending sewer services to areas most appropriate for dense development, developing regulations that restrict development in wetlands and riparian areas, including setbacks from streams, rivers and wetlands that include vegetated buffers, which slowdown and filter runoff. Criteria for buffer widths should be developed, creating an aquifer protection zone, developing a management program to ensure that septic systems are properly maintained and provide effective wastewater treatment.</p> <p>Development and adoption of the implementation strategies will require a major investment of county resources. A realistic assessment of the staff time and financial resources needed to complete the implementation projects should be considered in refining the timelines, and be included in the Implementation Chapter.</p> <p>More emphasis should be given to transferable development rights on page 129 then have a brief discussion of them. In the long run, in my opinion, they would be a valuable and effective planning tool. The sooner they are used the better for the</p>	<p><i>Natural Resources Task Force (P.40.1)</i></p> <p><i>Create the following plans, programs, or studies:</i> <i>Affordable Housing Plan (P.16.2)</i> <i>Parks and Recreation Master Plan (P.17.5)</i> <i>Recycling Pilot Program (P.25.5)</i> <i>Water Quality Management Plan (P.27.3)</i> <i>Wastewater Management Plan (P.29.3)</i> <i>Emergency Services Plan (P.32.4)</i> <i>Regional Wastewater Treatment System (P.35.3)</i> <i>Storm Water Management Plan (P.36.3)</i> <i>Air Pollution Plan (P.42.1)</i></p> <p>PART 4</p> <p>No revisions suggested. Prioritizing the implementation methods in the 2006 Growth Policy will be strongly determined by the public and political will and the resources available to the county.</p> <p>The prioritization and implementation of the establishment of a transfer of development rights program will rely largely on the political and public will. At the time of initiation of such an implementation method further in-depth research</p>
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Flathead Valley areas with shallow aquifers, rich farmland soils and important wildlife areas should become “sending areas” as soon as possible.	and analysis will be conducted.
<p>PART 1 Chapter 9, Part 1 (Draft page 128) – DNRC is interested in participating in the creation of the proposed Development Predictability Map.</p> <p>PART 2 Chapter 9 Implementation Strategy Page 128. Preparing a Development Predictability Map does seem like a “nice, crystal ball” approach to how the residents of Flathead County want to see their county. The many will tell the few who own larger tracts of land how the “reasonable middle ground” will be determined. This, coupled with a threshold criteria for appropriate densities appears to be the eroding of private property rights.</p> <p>PART 3 Page 134, 135 Of great concern is the inability to revise or amend the Growth Policy for 5 years following its adoption (4 years to prepare documents with statistics, trends, etc. and another 1 year to prepare a revised draft). The explanation given is to allow the Growth Policy “time to breathe” and would, therefore, not allow minor amendments by landowners. The rationalization to not allowing more frequent amendments is because the Growth Policy only presents trends, goals, protection of public safety policies, etc. It seems to me a Development Predictability Map and a Threshold Criteria document for appropriate densities are more than goals, policies and public safety. Landowners and citizens should have a right to amend these if their land is being classed with only a certain allowable density of land use.</p>	<p>PART 1 Staff looks forward to the opportunity to work cooperatively with the Department of Natural Resources when initiating implementation methods.</p> <p>PART 2 Staff disagrees with this comment. One point of agreement amongst the majority of those participating in the public process for the creation of the 2006 Growth Policy indicated a desire for a development predictability map.</p> <p>PART 3 Staff understands that this document should not be amended by individuals to serve individual tastes or fluctuating political climates, however the document should be a living document that can be amended if it is truly in the interest of the public. The 2006 Growth Policy is a public document to serve the residents of Flathead County. Master plan amendments to the text that solely serve an individual are not reasonable, just the same as overly-burdensome amendment criteria does not serve the interest of the public. Staff suggests that the Board consider adding the following after the first sentence in the first paragraph on page 136: <i>The citizen initiation amendment request must include a petition containing signatures of a minimum of 5% of the total voters currently registered in Flathead County.</i></p>
<p>PART 1 On the other side of the ledger, the implementation section of the draft document can be substantially improved.</p> <p>The implementation section makes no mention of the proposed Open Space Board or Natural Resource Task Force. These critically important entities should be specifically included in the implementation section, with timelines for their establishment and criteria for the composition of their members.</p> <p>PART 2 The implementation section also does not include any specifics as to incentives for open space preservation, or specifics regarding restrictions or disincentives for development in areas with</p>	<p>PART 1 See suggested revisions to P.4.8 in Chapter 2 Revisions.</p> <p>PART 2 Staff disagrees with this comment. The scope and level of specificity intended in the 2006 Growth Policy precludes the discussion of such details in the</p>

<p>conservation importance, such as critical wildlife habitat, steep slopes, wildland-urban interface or areas important to water quality. Without specific strategies for implementation included at this stage of the process, we are concerned that implementation simply will not occur. These strategies should be spelled out in detail, again with specific timelines for their implementation.</p> <p>We strongly urge you to take sufficient time to craft a more robust implementation section, regardless of any pressure to complete the plan by a certain date.</p>	document.
<p>PART 1 I am pleased with many of the goals and policies outlined in the Draft Flathead County Growth Policy, but am concerned that it will be little more than a “feel good” document without a solid plan for implementation and enforcement.</p> <p>PART 2 Implementation of each policy and goal needs to be spelled out in detail with a timeline so progress can be measured and achievement can be agreed to. Adherence to the policy must be required with very little legal variance allowed so the Planning Board and the Commissioners can have a good foundation to deny requests for changes and variances.</p>	<p>PART 1 Suggest adding the following sentence to the end of the last paragraph on Page 127: <i>The implementation methods discussed in this chapter are directly based on the goals and policies found throughout the 2006 Growth Policy.</i></p> <p>PART 2 Staff disagrees with this comment. Prioritizing the implementation methods in the 2006 Growth Policy will be strongly determined by the public and political will and the resources available to the county.</p>
<p>I question who is going to create, establish, develop, etc. all of the regulations, educational material, programs, boards, studies you list in every chapter. Certainly some of these ideas have merit, but if they were all implemented we would spend a fortune in tax payer money and be so hamstrung that nothing in this entire county would ever get done. WE DO NOT NEED MORE BOARDS, COMMITTEES, REGULATIONS AND GOVERNMENT.</p>	<p>Staff disagrees with this comment. Prioritizing the implementation methods in the 2006 Growth Policy will be strongly determined by the public and political will and the resources available to the county. The county provides numerous planning services and encourages the voluntary participation of citizens on its boards and task forces. Detailed funding mechanisms for the implementation methods are not within the scope of the 2006 Growth Policy.</p>
<p>Chapter 9 really brings things together. Emphasize it</p>	<p>Staff agrees with this comment.</p>
<p>Please excuse my bringing up this issue at such a late date but I must point out that the draft Growth Policy document released 6/30/06 is <u>defective</u> because of its failure to seriously confront the issue of noxious weeds. There is a serious noxious weed problem throughout Flathead County. These weeds infest nearly every natural environment, land use type, “Scenic resource” and “unique outdoor amenity” discussed in the document. During the last several weeks hills and valleys, subdivision tracts and public rights of way, river banks and vacant lots throughout the county were literally ablaze with the seasonal knapweed bloom. These conditions are appalling when you consider the pernicious affects these invaders are having on our native ecologies and the level of effort that will be</p>	<p>See added P.4.12 under Chapter 2 revision suggestions.</p>

<p>required to stem, let alone turn back, the onslaught.</p> <p>If the previous paragraph may seem a little dramatic consider that it is moved by my recent experience in dealing with a mild weed infestation on a small property I have come to own. It is hard for me to imagine how the large and the many infestations are going to be dealt with by the county residents and their governmental institutions.</p>	
<p>How will amendments to the plan be handled? Specifically, will amendments be easy to make during the time that the new policy is in effect? Or will amendments be almost impossible to make until the next policy is formulated and adopted? I suggest that amendments be realistically possible, after appropriate public input has been heard.</p>	<p>Please refer to Part 4: Growth Policy Amendments beginning on page 134 and suggested revisions to the first paragraph on page 136 as discussed earlier in this revision document</p>
<p>Evaluation and Implementation (Chapter 9). Attaining this vision for the County will require ongoing oversight. Existing goals and policies must be evaluated, reshaped, and sharpened, while at the same time new goals and policies must be created which will further good planning for the County. This evaluation should lead to recommendations for improving the Growth Policy, or to terminating policies that are not working or if the objectives have been reached. We recommend that the procedures for amending this Policy be clearly laid out, and that evaluation and progress on this plan be reported annually.</p>	<p>Please refer to Part 4: Growth Policy Amendments beginning on page 134 and suggested revisions to the first paragraph on page 136 as discussed earlier in this revision document.</p>
<p>PART 1 Page 130, appreciate the “Special Consideration Areas” section. Please add to the 8 listed special consideration areas, Riparian Areas.</p> <p>PART 2 Appreciate the 3 year time span to create the “Development Predictability Map”. We urge coordination between existing Task Force for Long Range Planning and any new task force for roads, sewer systems, etc.</p>	<p>PART 1 Under Special Consideration Areas on page 130, amend sub-bullet number 7 to read: <i>Wetlands and Riparian Areas</i></p> <p>PART 2 Add a sentence after the suggested revisions suggested on page 3 of this comment document to read: <i>Coordination and communication between existing and proposed boards and task forces is encouraged.</i> This sentence would be to page 128 of the Growth Policy.</p>
<p>PART 1 Chapter 9, Implementation Strategy General Comment: Most of the policies provided throughout the draft document have no clear implementation mechanism. For example, policy P.3.4 (Chapter 2, page 6) seeks to, “Develop equitable and predictable impact-mitigation for converting rural timber lands to residential real estate.” Will this occur through an amendment to the subdivision regulations, impact fees, or some other mechanism? Policy P.3.5 (Chapter 2, Page 6) seeks to identify reasonable densities for remote,</p>	<p>PART 1 Add the following sentence to the end of the last paragraph on Page 127: <i>The implementation methods discussed in this chapter are directly based on the goals and policies found throughout this document.</i> Also, please refer to PART 2: Timetable for Implementing on page 133.</p>

rural development that do not strain the provision of services or create a public health or safety hazard.” Will this take place through zoning, the Development Predictability Map or some other mechanism? Again, it is not clear.

I suggest that all of the policies be followed by an implementation mechanism in italics, quotes or a similar manner to identify how they will be achieved. This would help to articulate how the specific goals and policies will be implemented and identify those goals and policies that may not be implementable at all. Put another way, clearly explaining how the goals and policies will be carried out would provide a logical path from the general policies to the specific implementation mechanisms.

PART 2

Chapter 9 (Implementation), Page 127,
Development Predictability Map

Is the Development Predictability Map intended to be a zoning document or have other enforceable authority? If so, the text should state as much to give the public a clear idea of what is being proposed. If not, what authority will it carry? Please explain.

PART 3

Terms such as “spatial criteria” and “threshold criteria” are used but are not explained. I am sure the authors have a solid concept of how the Development Predictability Map would be created, what examples of the criteria are, etc. but it is not clear from the text. Please include examples so the public can get a better grasp of the concept. The idea sounds promising and the flexibility encouraging, but detailing the concept in the growth policy would help to better understand what the authors envision.

PART 4

Chapter 9 (Implementation), Pages 128-129,
Official Maps

I think it is a great idea to try to plan out major corridors for utilities, trails and roads so that development does not prohibit the creation or expansion of important future community facilities. But it is not clear from the text what sort of

PART 2

No revisions suggested. The proposed development predictability map would be regulatory (as it is listed under the heading “Regulatory Implementation”) but would not provide land use designations as is commonplace in zoning regulations.

PART 3

Amend the first sentence in paragraph three on page 128 to read: *The Flathead County Development Predictability Map (DPM) would be created by first establishing a list of spatial criteria such as the proximity to prime service networks, areas of high groundwater, or public water and sewer services, which are relevant to health, safety and general welfare.*

Amend the second sentence in paragraph three on page 128 to read: “This list would identify threshold criteria for appropriate densities of development. *Threshold criteria would be based on factors such as the capacity of public sewage treatment facilities, the capacity of schools, the cumulative impact of septic systems, and cost of providing emergency services, for example.*”

PART 4

Amend the first sentence of paragraph five on page 128 to read: “**Official Maps** - Official maps are used to spatially catalog existing rights of way and to identify future rights of way that must be preserved in a growing community. *Rights of way are areas dedicated to public use for pedestrian and vehicular movement, which may also accommodate public utilities.*”

authority an official map would have (is it a zoning document?) and how acquisition would occur. The text mentions acquisition of lands over time but not on a project-by-project basis and this is confusing. Is it expected a developer would have to “give” land for a trail system or utility corridor under threat of having his project denied or would a funding mechanism be established to provide reasonable compensation? Also, what would happen if a developer did not want to build his project around the official map? Again, I think the concept is good but people need to understand what the ramifications of these implementation measures are. In short, please provide more detail.

PART 5

Chapter 9 (Implementation), Page 129, Market Based Voluntary Transfer or Adjustment of Development Rights

The permitted density of development throughout Flathead County must first be established before development rights can be transferred from one area to another. In other words, zoning has to be developed on a large scale in order to understand how many development rights are associated with a property. This is not necessarily a bad thing, but one that should be included in the text so everyone is aware of what is coming down the road.

PART 6

Chapter 9 (Implementation), Page 131, How the governing body will evaluate and make decisions regarding proposed subdivisions

The text states, “Each of the thresholds and criteria that are listed as definitions will also be stated as presumptions of impact if the definition is met. All development applications meeting the definitions will be required to prove that the presumed impact does not exist.” Unfortunately, the terms, “thresholds” and “criteria” are not defined so I am guessing at their meaning, but it seems as though we should seek to find a balance within subdivision review where likely impacts are identified and it is incumbent upon the developer to find ways to eliminate or mitigate those impacts. If the developer can do that, the project moves forward. If not, the project stops. Just because potential impacts may exist does not mean that they cannot be effectively reduced or eliminated.

PART 7

Chapter 9 (Implementation), Page 131, How the governing body will conduct public hearings on proposed subdivisions

Because more than one public hearing is now authorized under the Subdivision and Platting Act

PART 5

Please refer to paragraph 3 on page 129.

PART 6

Please see suggested revisions in Part 3 of this response. No further revisions suggested.

PART 7

Staff disagrees with this comment. Public hearing for a specific subdivision is held before the planning board and scheduled time for public comment is provided by the county commissioners.

<p>and a public hearing is presumably where the Commissioners make decisions regarding subdivision proposals, you may want to include a side bar stating that when the Commissioners are deciding a subdivision, there is some opportunity for developers to discuss mitigation with County Commissioners as required under 76-3-608.</p>	
<p>PART 1 Page 128: Development Predictability Map The implementation plan states that “clustering bonuses” could be used for “areas of high groundwater.” However, given the research from the University of Montana Flathead Lake Biological Station, it is clear that some of these areas should not be developed. If Flathead County is committed to protecting water quality, an aquifer protection zone should be incorporated into the development predictability map in order to fully protect such sensitive areas.</p> <p>PART 2 Page 130: Special Consideration Areas Special Consideration Areas should include riparian corridors and areas with shallow aquifers. In all special consideration areas potentially impacting water quality, the implementation plan should include a monitoring component to ensure that existing septic systems are properly maintained.</p> <p>PART 3 Page 131: Zoning Land use areas should include a category for Lakeshores/wetlands/riparian areas/floodplains/shallow aquifers.</p> <p>PART 4 Page 131: Subdivision review – How the governing body will evaluate. FBC believes it is prudent to place the burden of proof on the applicant. However, the governing body, often with limited resources and expertise, will be placed in the position of reviewing the evidence presented by the applicant, much of which will be technical in nature. In order to alleviate the burden on both the governing body and taxpayers, the governing body should be permitted to hire, at the expense of the applicant, a consultant(s) to review the technical aspects of each application in light of the established thresholds and criteria.</p> <p>PART 5 Page 132: Capital Improvement Plan We recommend that the short term CIP prioritize infrastructure improvements to upgrade and expand</p>	<p>PART 1 Please refer to the seventh sentence in paragraph 3 on page 128.</p> <p>PART 2 Under Special Consideration Areas on page 130, amend sub-bullet number 7 to read: <i>Wetlands and Riparian Areas</i>. Staff disagrees with incorporating monitoring language in this section as the scope and level of specificity intended in the 2006 Growth Policy precludes the discussion of such details in the document.</p> <p>PART 3 Staff disagrees with this comment. Lakeshores/wetlands/riparian areas/floodplains/shallow aquifers are not land use categories. Please refer to Special Consideration Areas listed on page 130.</p> <p>PART 4 Staff disagrees with this comment as the scope and level of specificity intended in the 2006 Growth Policy precludes the discussion of such details in the document.</p> <p>PART 5 This comment would be appropriate at the time of preparing the short-term CIP. Please refer to P.27.3 and P.35.3.</p>

<p>sewer services in those areas currently experiencing levels of service that degrade water quality in the Flathead Basin.</p> <p>PART 6 Page 134: Monitoring and implementation Since 1977, water quality in the Flathead watershed has continued to decline. Primary production is about 30 percent greater than the 1977 level and there has been a significant increase in lakeshore periphyton. In order to reverse this trend, the county will need to diligently monitor land use activities, and its impact on water quality.</p> <p>FBC recommends that the county, in conjunction with the Flathead Biological Station, develop and implement annual benchmarks which can be used as indicators of the successes and failures of land use policies and management practices on the ground. The benchmarks should be used to not only to guide policy decisions, but to develop subdivision review thresholds and criteria that more accurately reflect conditions on the ground and watershed health.</p>	<p>PART 6 We look forward to working with the FBC.</p>
<p>PART 1 Where are the mechanisms to translate your goals and policies into effective and enforceable objectives? None that I read in this draft.</p> <p>PART 2 In the time I have been here there seems to be a priority to those out of state developers as if the Commissioner and planning departments are afraid of chasing this business out of state. Yet, I don't feel many states have a no development fees policy associated with their building permits. I can envision these currant developers laughing behind our backs for this treatment.</p>	<p>PART 1 Please refer to Chapter: Implementation Strategy.</p> <p>PART 2 County issued building permits do not exist.</p>

<p>PART 1 We really need the proposed development predictability maps so people know where it's appropriate to develop what. We need strength and structure to guide growth. This will help to protect agriculture and open space, and help to concentrate commercial and residential next to current urban areas, and not have all activities leap frog all over the county.</p> <p>PART 2 I think the new Growth Plan map should seriously consider changing some areas that have been zoned as commercial and industrial back to residential or agricultural to minimize the strip development that much of this rezoning has caused, much on speculation and the purchase of cheap land to sell for commercial development later. Zoning always seems to just allow more and more intense development, it never seems to go back toward less development when it really makes sense in the immediate and/or big picture.</p>	<p>PART 1 Add the following after the third sentence in paragraph 4 on Page 133: <i>In particular, the public participating in the Growth Policy process has voiced a need for the initiation of the creation of the Development Predictability Map. This implementation method should be a chief priority after the adoption of the Growth Policy.</i></p> <p>PART 2 Please refer to bulleted item number 3 under Timetable for Implementing on page 133.</p>
<p>As stated in the implementation strategy, the Growth Policy is not a “miracle cure for the ills of growing community”. What is clear is that there are some problems associated with the pace of growth in an environment that is downright hostile towards government regulations. Considering that this is a framework document, it is critical that you develop and implement a strategy that moves us from the old paradigm of growth without any regulation to one in which the citizens have a say in how our community (our county) will look in the future.</p>	<p>Amend the end of the eighth sentence in the second paragraph on page 127 to read: “...must achieve a delicate balance <i>and seek to engage residents throughout the process from initiation to adoption of regulatory implementation methods.</i>”</p>
<p>In addition to positive support for a Transfer of Development Rights Program in the County, include a Purchase of Development Rights Program that could be funded by a voter approved county bond.</p> <p>The conversion of additional lands for development should be guided by policies that establish a community need, limit speculation, and provide a variety of incentives to transfer development rights to lands most appropriate for development.</p> <p>Revise the implementation section providing greater detail regarding the numerous implementation strategies alluded to throughout the document, but never adequately addressed in the implementation section with priorities and timelines.</p> <p>Implementation strategies should be linked more directly to goals and policies.</p>	<p>Revising the transfer of development rights to include more detail is not within the scope or level of specificity of the 2006 Growth Policy.</p>
<p>PART 1 The Development Predictability Map sounds like defacto zoning without the appeal and protest provisions of zoning law. If the DPM has any regulatory teeth it really is zoning and if it does not</p>	<p>PART 1 No revisions suggested. The proposed development predictability map would be regulatory (as it is listed under the heading “Regulatory Implementation”) but would not provide land use</p>

<p>then it is nothing more than a wish list. Like many of the policies in this document, the devil is in the details but no details are provided. I think the document should make it clear that this map is merely advisory with no regulatory function. Otherwise I would like to see it deleted from the implementation section.</p>	<p>designations as is commonplace in zoning regulations.</p> <p>Please note that numerous implementation methods proposed in the 2006 Growth Policy are regulatory in nature including zoning and subdivision regulations. Public input during the Growth Policy process has clearly indicated a want for a level of predictability in growth and development.</p>
<p>PART 2</p> <p>I oppose TDRs (<i>pp129</i>) because there is no assurance that the market will be able to adequately compensate owners in the “sending” areas. I doubt that there is anything “voluntary” about this scheme. Why would developers who want to build in areas declared suitable for higher density development need to buy these rights? Would they really be willing to fully compensate the “senders” for the income that could have been provided by the market had the sender been able to develop? If not why would the “senders” be willing to undervalue their development rights unless they were forced to by regulations? I appreciate the statement that this would not be approved unless a fair balance could be achieved. I would like to see additional language confirming that this transfer would be completely voluntary and not coerced by regulatory restraint on buyers or sellers.</p>	<p>PART 2</p> <p>Please refer to the third paragraph on page 129. The 2006 Growth Policy is not a regulatory document.</p>
<p>PART 2</p> <p>Under subdivision review on page 131 the meaning of the second sub-paragraph is unclear. Therefore, it cannot be determined whether or not this method of evaluating and making decisions is predictable or fair. Yet it sounds very much like forcing the applicant to prove a negative which is known to be impossible. This paragraph appears to turn property rights on its head. Just like the presumption of innocence in criminal cases, it has always been the practice in America to presume that a property owner could do anything he wished with his property until it was proven or shown to be harmful to the public interest. The burden of proof has been and should continue to be on those who would deny that property right. This “method of evaluating and making decisions” will force property owners to prove that they have a property right to begin with. This concept would give all the power to the “governing body” and put property owners at the mercy of that authority, thus eliminating property rights in Flathead County.</p>	<p>PART 2</p> <p>Staff disagrees. No revisions suggested.</p>
<p>More emphasis should be given to transferable development rights. On page 129 you have a brief discussion of them. In the long run, in my opinion, they would be a valuable and effective planning tool. The sooner they are used the better for the Flathead Valley areas with shallow aquifers, rich</p>	<p>No revisions suggested. Prioritizing the implementation methods in the 2006 Growth Policy will be strongly determined by the public and political will and the resources available to the county.</p>

<p>farmland soils and important wildlife areas should become “sending areas” as soon as possible</p>	
<p>PART 1 The concept of a predictability map makes me a little nervous! The document refers to “Predetermined impacts to health, safety and welfare”, what are these and who will determine them? I think the concept of identifying threshold criteria for appropriate densities is extremely important. I would assume that many of those criteria will be based on infrastructure issues such as roads, schools, and utilities. The problem with extrapolating that to a predictability map is that you are making the assumption that infrastructure will stay the same. We all know that is not going to be the case, therefore, the map will show unrealistic limits to development growth and this will be extremely problematic for your office to deal with!</p> <p>PART 2 My last comment has to do with the concept of impact fees. It is important to remember that many of the problems we currently have in the county such as substandard roads, lack of septic and water infrastructure are not necessarily the fault of the next development, but rather a culmination of not dealing with past growth! It is not appropriate to saddle new development with the cost of upgrading infrastructure that is substandard for even the current condition! We need to consider a combination of Impact Fees and Special Improvement districts to deal with some of these problems.</p>	<p>PART 1 Please refer to the third and fifth sentences in paragraph two on page 128.</p> <p>PART 2 Please refer to the first and second paragraphs on page 33. The board of county commissioners is currently recruiting members for an impact fee committee.</p>
<p>PART 1 The narrative statement– “A comprehensive Growth Policy protects a community from lawless growth and provides predictability in the development process” is a desirable outcome but not likely to be accomplished by this draft policy. There are too many undefined terms, vague standards and future tasks to be completed that are necessary to implement this plan. The Development Predictability Map is one example of a critical tool that is incomplete and undefined. We have identified several others in this letter. If this map were created, it would make land values soar or collapse based on how your land was ultimately mapped. If only health, safety, and general welfare criteria are applied, then other values would not be applicable, such as wildlife habitat and view-sheds.</p> <p>PART 2 A TDR program is a good idea but only works effectively if the county is zoned. In the interim, it would be a good idea to allow density shifts within</p>	<p>PART 1 Add the following after the third sentence in paragraph 4 on Page 133: <i>In particular, the public participating in the Growth Policy process has voiced a need for the initiation of the creation of the Development Predictability Map. This implementation method should be a chief priority after the adoption of the Growth Policy.</i></p> <p>PART 2 Thank you for your comments.</p>

<p>ownership boundaries to shift uses away from sensitive resources.</p> <p>PART 3 Under “Special Consideration Areas”, it would be good to have a map of the critical wildlife habitat areas so it is not determined on an application by application basis.</p> <p>PART 4 Under the list of land use categories, change “timberlands” to “Forest Lands”.</p> <p>PART 5 What are spatial thresholds and how will they be determined?</p> <p>PART 6 If developed properly, “Impact fees” is a logical tool to equitably mitigate the impacts of development and to achieve defined public purposes.</p> <p>The timetable for achieving the other components of the Growth Policy (Part 2 of Chapter 9) corresponds to the next update to the adopted growth policy. The listed components should be part of this growth policy.</p>	<p>PART 3 Please refer to the fifth bulleted item on page 133 under PART 2: Timetable for Implementing.</p> <p>PART 4 Staff agrees with the proposed change to bulleted item number two on page 131.</p> <p>PART 5 Consider amending the first sentence in paragraph three on page 128 to read: <i>The Flathead County Development Predictability Map (DPM) would be created by first establishing a list of spatial criteria such as the proximity to prime service networks, areas of high groundwater, or public water and sewer services, which are relevant to health, safety and general welfare.</i></p> <p>Consider amending the second sentence in paragraph three on page 128 to read: <i>This list would identify threshold criteria for appropriate densities of development. Threshold criteria would be based on factors such as the capacity of public sewage treatment facilities, the capacity of schools, the cumulative impact of septic systems, and cost of providing emergency services, for example.</i></p> <p>PART 6 Thank you for your comments.</p>
<p>PART 1 Page 127 begins the discussion of Implementation of the Growth Policy. I believe there is a <u>disconnect</u> between what the Planning Office, public and Court cases view as to the purpose and use of the Growth Policy. It is stated, “a growth policy establishes the legal foundation for future planning and land use regulations and will provide predictability”. I</p>	<p>PART 1 Please refer to 76-1-605 M.C.A.</p>

<p>believe the planning staff views it as a <u>guide</u>, the public and special interest groups as <u>this is what can occur on this particular acre</u> and Court cases such as Little vs. Flathead County that <u>land use regulations must conform to the Growth Policy and that any subdivision must conform to the Growth Policy</u>.</p> <p>PART 2 This leaves landowners in a catch 22 spot. 1. If your proposal conforms to the Growth Policy – then no problem. 2) If you want to convert forestlands or other larger blocks of land to some type of development with density greater than 15 or 20 acres, you will need a change in the Growth Policy. <u>This means the public review process</u> which on page 134, it states “<i>Frequent, minor amendments to the Growth Policy at the request of individual landowners compromise the integrity of the plan</i>”. In a later paragraph it states, “<i>Amendments shall <u>ONLY</u> be initiated and processed if a <u>direct threat</u> to public health, safety, morals, convenience, order, or general welfare is posed by waiting until the next scheduled Growth Policy update</i>”.</p> <p>This strong position does not recognize the need for change, the rights of landowners, nor a positive attitude toward community needs and growth. There <u>MUST</u> be provisions that recognize quality projects, landowner needs and needs of the community in the Growth Policy. This <u>MUST</u> be incorporated into the implementation section.</p>	<p>PART 2 Please refer to the first sentence under Growth Policy Amendment Criteria on page 136. Please refer to staff response on page 6 of this comment response document for further clarification of the following suggestions. Staff suggests that the Board consider adding the following after the first sentence in the first paragraph on page 136: <i>The citizen initiation amendment request must include a petition containing signatures of a minimum of 5% of the total voters currently registered in Flathead County.</i></p>
<p>Under current planning rules, we can not describe “timberlands” or “forest land”. Thus no way to fix Resolution 955 mess. In new “Growth Policy”, there is a “forest lands” use category. So where do I find the definition for “forest land”? New growth policy talks about “Development Predictability Map”. Will changes to these maps require going through public process?</p>	<p>Consider adding the following sentence to the end of the first paragraph of Part 3 on Page 14. “<i>Forest land</i>” means privately owned land being held and use primarily for the continuous purpose of growing and harvesting trees of a marketable species.” Definition comes from Idaho State Law.</p>
<p>Within the policy it is not mentioned where the policy is assessed, reviewed, amended or revised. It is important that this document is a working document that can be changed as the world we live in changes every day. It should be reviewed yearly and any changes made to it could be done then. Assessments can be made to see how progress is going and priorities could be changed etc. Five years is way too long of time to go without changes.</p>	<p>Please refer to PART 4: Growth Policy Amendments beginning on page 134 and proposed revisions to that section as are discussed in this document.</p>
<p>Page 134: What is the rationale for a four-year period before a Growth Policy Progress Report is issued? This period is too long of a delay. A progress report should be issued every two years in January of the election year for a county commissioner. Issued in this manner the Progress</p>	<p>No revisions suggested.</p>

<p>Report will provide some accountability to the public for implementing the Growth Plan by our elected officials.</p>	
<p>PART 1 The implementation strategy for the growth policy is inadequate for effectively addressing current growth pressures in the county. The Flathead Lakers recommend:</p> <p>Leave in place the land use designations in the current Master Plan until the proposed Development Predictability Map, the Official Maps, and the Special Conservation Areas have been developed and adopted. This would ensure that until the new growth policy implementation tools are developed and adopted, critical areas for water quality and other resources are reviewed in the master plan amendment process when land use is proposed to be changed.</p> <p>PART 2 Describe which goals and policies will be addressed by each of the suggested implementation strategies.</p> <p>PART 3 Develop and describe implementation strategies in the Implementation Chapter (chapter 9) that are described within the various policies. For example, there are several policies that recommend education programs, research programs, incentive programs, etc. These should be summarized into implementation strategies with a timeline for when they will be developed.</p>	<p>PART 1 Please see recommended G.43 in the Chapter 9 Revisions.</p> <p>PART 2 Add the following sentence to the end of the last paragraph on Page 127: <i>The implementation methods discussed in this chapter are directly based on the goals and policies found throughout the 2006 Growth Policy.</i></p> <p>PART 3 Add new paragraph after first paragraph on top of page 128 that reads: <i>Implementation of the goals and policies outlined in the 2006 Growth Policy include several non-regulatory tools to create awareness and understanding of relevant topics affecting area growth. Listed below are the tools proposed in numerous policies, with the corresponding policy in parenthesis. The educational outreach, boards, and plans listed provide a basis for establishing and executing implementation methods in the future.</i></p> <p><i>Develop educational outreach for the following topics:</i> <i>Active Management of Timberlands (P.3.1)</i> <i>Agricultural Practices (P.4.1)</i> <i>Solid Waste and Wildlife (P.25.4)</i> <i>Household Hazardous Waste Disposal (P.25.6)</i> <i>Management of Septic Systems (P.29.4)</i> <i>Impacts of Septic Systems on Water Resources (P.39.7)</i> <i>Landowner's Guide to Nutrient Loading Reduction in Water Supply (P.34.3)</i> <i>Storm Water Management (P.36.2)</i> <i>Voluntary Conservation Strategies (P.38.2)</i> <i>Living With Wildlife (P.40.2)</i> <i>Mineral Resource Development (P.41.2)</i> <i>Potentially establish the following boards,</i></p>

<p>PART 4</p> <p>Prioritize implementation strategies and provide a timeline for each strategy for the implementation schedule. Nine implementation methods or strategies are described, all with a five year timeline for implementation. These nine strategies, along with the others suggested within the policies, should be prioritized and a timeline provided for each. For protecting water quality, priority should be given to: Planning, in cooperation with cities and sewer districts, for extending sewer services to areas most appropriate for dense development; Developing regulations that restrict development in wetlands and riparian areas, including setbacks from streams, rivers and wetlands that include vegetated buffers (which slow down and filter runoff); Creating an aquifer protection zone (see above); Developing a management program ensuring that septic systems are properly maintained and provide effective wastewater treatment.</p>	<p><i>committees, or departments:</i> <i>Open Space Board (P.4.8, P.9.4)</i> <i>Housing Committee (P.16.2)</i> <i>Building Department (P.16.6)</i> <i>Natural Resources Task Force (P.40.1)</i></p> <p><i>Create the following plans, programs, or studies:</i> <i>Affordable Housing Plan (P.16.2)</i> <i>Parks and Recreation Master Plan (P.17.5)</i> <i>Recycling Pilot Program (P.25.5)</i> <i>Water Quality Management Plan (P.27.3)</i> <i>Wastewater Management Plan (P.29.3)</i> <i>Emergency Services Plan (P.32.4)</i> <i>Regional Wastewater Treatment System (P.35.3)</i> <i>Storm Water Management Plan (P.36.3)</i> <i>Air Pollution Plan (P.42.1)</i></p> <p>PART 4</p> <p>No revisions suggested. Prioritizing the implementation methods in the 2006 Growth Policy will be strongly determined by the public and political will and the resources available to the county.</p>
<p>Clarify the transition between the existing Neighborhood Plans and county zoning districts and the implementation of the adopted Growth Policy and its review procedures.</p>	<p>No revisions suggested.</p>
<p>Chap 9 Implementation</p> <p>This chapter is simply inadequate. The plan has the following items that need to be done before the plan is complete:</p> <ul style="list-style-type: none"> The establishment of an Open Space Board. An affordable housing plan. A Parks and Rec Master Plan A Comprehensive Water Quality Management Plan A County-wide Wastewater Management 	<p>No revisions suggested. At this time, the county lacks the staff and resources to concurrently undertake and complete the outlined tasks. Staff disagrees with the proposed timeline.</p>

<p>Plan</p> <p>A Public Response Plan for Public Safety A Flathead basin watershed management plan</p> <p>A Storm Water Management Plan Establish a Natural Resources Task Force Development Predictability Map</p> <p>The above are the most important “meat” of the plan. Without them the Growth Policy is an empty shell. I don’t think all of them need to be completed but I think the following need to be completed within 6 months at the very latest:</p> <p>Development Predictability Map The water quality management plan which can include the wastewater plan, the basin watershed plan and the storm water plan. Establishment of the Open Space Board Establishment of the Natural Resources Task Force</p> <p>There are many groups in the county who oppose any kind of planning. They have been silent because they realize the growth policy, as it is now, is a “paper tiger.” What is most likely to happen is that the policy will be passed and no further action will be taken. That will leave the county in a more exposed situation than if we continued to use the 1987 plan.</p>	
<p>PAGE 136 – Last Bullet Point – How can one expect a “sufficient process of county-wide, public participation and review” when considering a newly proposed Citizen Initiated Amendment? There needs to be some sort of nomination process for such amendments that would eventually lead to such a review.</p>	<p>Please refer to staff response on page 6 of this comment response document for further clarification of the following suggestions. Staff suggests that the Board consider adding the following after the first sentence in the first paragraph on page 136: <i>The citizen initiation amendment request must include a petition containing signatures of a minimum of 5% of the total voters currently registered in Flathead County.</i></p>
<p>PART 1</p> <p>Comments regarding the DEVELOPMENT PREDICTABILITY MAP, Draft page 128: If there is to be a Development Predictability Map (DPM) it better serves the public as a complement to a zoning map than as a substitute for a zoning map. So that, for example, if after appropriate hearings a zoning change is approved, the DPM would guide the property owner as to the nature of the development the county would consider.</p> <p>It is the zoning that provides the needed predictability. Zoning draws the broad strokes of the Public Vision down into individual land use decisions. The Draft alleges that “zoned areas are sometimes perceived as unfair or outdated.” That is hardly a reason to reject zoning. And the statement is true of many provisions of a Growth Policy. That</p>	<p>PART 1</p> <p>No revisions suggested. The proposed development predictability map would be regulatory (as it is listed under the heading “Regulatory Implementation”) but would not provide land use designations as is commonplace in zoning regulations.</p>

<p>is why the law requires a periodic update of its provisions.</p> <p>The Draft states that “many residents of Flathead County have expressed they don’t want development to ruin the environment, be unsafe for children, or be unhealthy for neighbors, but they don’t want any government regulations either.” This sentence, up to the final clause, encapsulates the Public’s Vision. It is implemented by zoning, not by a DPM whose very flexibility, potential modifiability and assumption that all undesignated land ought to be developed ignores the ideals of the Public’s Vision. Another portion of the Public’s Vision is the recognition of property rights. But since property rights come with co-equal responsibilities, it is the establishment of responsible zoning that strikes this balance, not a permissible DPM that favors rights over responsibilities. The last clause of the quoted sentence, “...but they don’t want any government regulations either” cannot occur unless the Planning and Zoning Office and all county, city, state and federal governments were to dissolve. The resulting anarchy, however, would not achieve the primary goals of preservation that the quoted sentence calls for since, without laws, development would be uncontrolled. Therefore, in order to best implement both the preservation and property rights goals of the Public’s Vision, a responsible government must implement zoning rather than a DPM.</p> <p>The Somers Bay Villas development is illustrative. It would not exist had there been zoning. But this eyesore is also an example of the failure of county officials to balance reasonable and responsibility with property rights. Allowing the developers to jam 23 condos on 2.2 acres at the water’s edge is unconscionable. What future horrors await under a “flexible” DPM rather than predictable zoning?</p> <p>PART 2 The Somers Bay Villas is also an excellent argument for a County Building Department and inspectors.</p> <p>PART 3 Finally, development on floodplains, wetlands and other such critical lands ought to be prohibited. If limited development is appropriate in certain areas it ought to be so restrictive and clear that offering the bribe of “clustering bonuses” in exchange for dedicated open space is not needed. This clarity is best expressed in zoning rather than a DPM. Rights cannot trump responsibilities.</p>	<p>PART 2 Please refer to P.16.6 in Chapter 3 of the 2006 Growth Policy.</p> <p>PART 3 No revisions suggested.</p>
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<p>PART 4 Comments regarding SPECIAL CONSIDERATION AREAS, Draft page 130: I suggest rewriting the last sentence of this section as follows: While development is not prohibited in Special Consideration Areas it is restricted and governed by impact-mitigating standards.</p> <p>The reason for the modification is to conform the language to the applicable Goals and Policies in the Draft.</p> <p>Comments regarding ZONING, Draft pages 130-1:</p> <p>See comments, supra, on the PDM section.</p> <p>PART 5 Comments regarding SUBDIVISION REVIEW, Draft page 131-2:</p> <p>I suggest expanding this section to include provision for a County Building Department including inspections. In the news article on the Somers Bay Villas, Mr. Harris seemed to favor this recommendation. Why isn't it in the Growth Policy?</p> <p>PART 6 To the sub-section entitled "How the governing body will conduct public hearings on proposed subdivisions", Draft page 131-2, I suggest adding the following requirement: EACH MEMBER SHALL STATE ON THE RECORD SUPPORTING REASONS FOR HIS/HER DECISION.</p> <p>PART 7 Comments regarding FISCAL IMPLEMENTATION, Draft pages 132-3:</p> <p>I suggest amending the sub-section regarding Impact Fees, Draft page 133, to express the urgency of establishing impact fees and to make this a top priority.</p> <p>The reason for the amendment is that failure to enact impact fees amounts to a government subsidy of developers at taxpayers' expense. Without impact fees the developer walks away with his profit and dumps the infrastructure impacts on the taxpayers.</p> <p>Comments regarding PART 2: TIMETABLE FOR IMPLEMENTING, Draft page 133:</p> <p>If the timetable for projects is five years there is a</p>	<p>PART 4 No revisions suggested.</p> <p>PART 5 Please refer to P:16.6 in Chapter 3 of the 2006 Growth Policy.</p> <p>PART 6 No revisions suggested.</p> <p>PART 7 No revisions suggested. Prioritizing the implementation methods in the 2006 Growth Policy will be strongly determined by the public and political will and the resources available to the county. The board of county commissioners is currently recruiting members for an impact fee committee.</p>
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danger they will not be completed before the next revision of the Growth Policy and will be either rolled over indefinitely or abandoned	
It's time for all new developments to pay impact fees covering the full cost of their development on County taxpayers for the provision of public services.	Thank you for your comments.
<p>PART 1 All quotations used by American Dream Montana (ADM) are directly taken from the draft county growth policy (DCGP). Whenever quote marks are used in this analysis, the statement is a direct quote, goal or policy as stated in the proposed DCGP.</p> <p>Chapter 9 Page 135, Paragraph 4, Citizens Initiated Amendments ADM comments: First sentence conflicts with other references to density requirements and "predictability maps".</p> <p>PART 2 Page 135, Paragraph 5 ADM comments: Severely restricts the ability of Citizens & Property owners to amend the County Growth Policy. Ties the hands of public officials to amend the County Growth Policy. Amendment Policy is not flexible enough.</p>	<p>PART 1 No revisions suggested. No land use or density maps are included with the 2006 Growth Policy.</p> <p>PART 2 Please refer to staff response on page 6 of this comment response document for further clarification of the following suggestions. Staff suggests that the Board consider adding the following after the first sentence in the first paragraph on page 136: <i>The citizen initiation amendment request must include a petition containing signatures of a minimum of 5% of the total voters currently registered in Flathead County.</i></p>
Thank you for your efforts; please keep up working on this project. I've lived in many towns in MT, and I am afraid what happened in Bozeman will happen here. They enacted a \$7000 impact fee. The house next to me was assessed impact fees although the services already existed and there was no impact. The fee drives out smaller families and young families with kids because it makes it unaffordable. Those living in Bozeman don't buy in Bozeman, they don't contribute to the economy. There aren't enough kids for the schools in Bozeman, who will pay for the new high school here if we drive the kids out?	No revisions suggested.
Thank you for the opportunity to speak. For the last several months, I've been knocking on doors in Evergreen and Kalispell asking residents about their concerns. The recurring things I hear are high taxes and increasing taxes are the biggest concerns, along with energy costs. The cost of the growth problem is falling directly on homeowners' and landowners' shoulders. Something must be done. Impact fees are necessary. I hope you're looking at that. Homeowners and landowners cannot afford any longer to have taxes rise. Peripheral costs are growing – schools, roads, infrastructure, etc. are growing. They can no longer shoulder the costs. I	Please refer to Impact Fees on page 133.

recommend that you add in that we charge adequate fees for impacts on the development that is happening.	
Waivers. RSIDs. People have to sign a waiver to maintain roads in high density subdivisions. We need impact fees to help alleviate that so people's property taxes don't go through the roof. Needs more maps and find a middle ground. Tell a story and keep up the good work.	Please refer to Impact Fees on page 133.
The final question I have in regards to this document is the introduction to Chapter 9: Implementation Strategy. The introduction spends a lot of time discussing the merits of a delicate balance between laws and freedoms. However, a growth policy with no strict regulations is entirely on the side of personal freedom and choice with what to do with one's land. The introduction states that the "implementation of a Growth Policy creates predictable regulations to which all residents are equally and fairly subject." I just don't think that this policy does that yet, though it is a good step in the right direction. Perhaps I expected too many specifics from this document, but unless those specifics come, I cannot see that this document is going to please anyone. It is vague enough that individuals who are concerned with every regulation will read the worst, developers who are looking for clear guidelines and predictability won't find it, and citizens who wish to use this document to protect themselves against what they feel are unreasonable intrusions and inappropriate development will not be able to hold up this document and argue that this development doesn't comply with the County's policy. I have spoken to some of these policies that seem vague at present, and I hope that the planners have the opportunity to take some more time with these policies to clarify the County's intent.	No revisions suggested.
Predictability Map. Is this a zoning map of the entire county? Who needs that? Let us work this out in our own neighborhood areas. Some areas have already set up neighborhood groups and are pursuing developing their areas as those who live there see fit. Leave it that way. There needs to be flexibility. If I want to live in a subdivision with its rules and determined open space, I will. But, if I chose to own some acreage and use it for farming, developing or some other use, then I should have the opportunity to do that. With the review regulations that are already in place, neighborhoods should then be able to decide their own fate through the review process. See Chapter 2. This map is not provided so how can any of us determine what this volunteer group and the County Planning Agency intend.	No revisions suggested. The proposed development predictability map would be regulatory (as it is listed under the heading "Regulatory Implementation") but would not provide land use designations as is commonplace in zoning regulations. Also, please refer Neighborhood Plans on page 129 and Chapter 10 Neighborhood Plans.

<p>Chapter 9 Part 4 – “Growth Policy Amendments” Does not allow the individual property owner the right to request an amendment. Is this legal and could it open the County up to more lawsuits?</p>	<p>Please refer to staff response on page 6 of this comment response document for further clarification of the following suggestions. Staff suggests that the Board consider adding the following after the first sentence in the first paragraph on page 136: <i>The citizen initiation amendment request must include a petition containing signatures of a minimum of 5% of the total voters currently registered in Flathead County.</i></p>
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<p>PART 1 DRAFT GROWTH POLICY: <u>IMPLEMENTATION STRATEGY CHAPTER 9</u> Text on page 128 regarding official maps <u>Comment:</u> The 1987 growth policy map should be retained while other maps are being developed as called for in the implementation strategy. <u>RECOMMENDATION:</u></p> <p><u>Add Text:</u> <i>A physical development plan map adopted as part of the 1987 Growth Policy will remain in effect while maps called for in the implementation chapter are developed for adoption. This map and future maps should be implemented in the same fashion as the written portion of the plan.</i> (adapted from wording in 1987 Flathead County Growth Policy, Introduction, page iv)</p> <p>PART 2 Text on page 129 regarding transfer or adjustment of development rights, final sentence <i>The value of development rights must be set by the market, and if the market can't adequately balance the supply and the demand, county government shall not administer the exchange.</i> <u>RECOMMENDATION:</u></p> <p><u>Delete Text Comment:</u> <i>This statement may or may not be appropriate. It should be deleted until the necessary research is done on which to base future recommendations for implementation of a TDR program tailored to fit Flathead County.</i></p> <p>PART 3 Text on page 130 regarding Neighborhood Plans and the use of implementation tools <u>RECOMMENDATION:</u></p> <p><u>Delete Text Comment:</u> <i>These statements may or may not be appropriate. Neighborhood Plans should be allowed to propose implementations tools in addition to those referenced in this implementation chapter currently that can be considered at the point of adoption or revision to a plan as to their appropriateness.</i></p> <p>PART 4 Text on page 130 regarding Special Consideration Areas <u>RECOMMENDATION:</u></p> <p><u>Add Text Comment:</u> <i>These identified areas are appropriate, but should also include two other areas: shallow or limited aquifers, and wildlife refuges.</i></p>	<p>PART 1 Please refer to staff suggestion to add G.43 and P.43.1 found in Chapter 2 Revisions.</p> <p>PART 2 No revisions suggested.</p> <p>PART 3 No revisions suggested. Consistency between the types of implementation methods utilized in various neighborhoods plans enables the county to clearly enforce the neighborhood specific regulations.</p> <p>PART 4 No revisions suggested.</p>
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<p>PART 5 Text on page 131 regarding Subdivision Review <u>RECOMMENDATION:</u></p> <p><u>Add Text Comment:</u> <i>The text provided here does not provide the level of detail and definitions required under 76-1-601. See attached section from 2002 Missoula County Growth Policy, page 6-1 for a model of the detail that should be provided in compliance with 76-1-601.</i></p> <p>PART 6 Text on page 131 regarding Subdivision Review. Second bulleted section on decision making <u>RECOMMENDATION:</u></p> <p><u>Add Text Comment:</u> <i>Insert following the statement that "...the governing body will consider the evidence presented by the applicant..." "and the public..."</i></p> <p>PART 7 Text on page 131 regarding Subdivision Review. Third bulleted section on conduct of public hearings. <u>RECOMMENDATION:</u></p> <p><u>Add Text Comment:</u> Under # 7 add an opportunity for public or neighborhood representative rebuttal. The public should have the ability to comment on conclusion statements by the applicant if they raise additional or incorrect information.</p> <p>PART 8 Text on page 132 regarding Fiscal Implementation <u>RECOMMENDATION:</u></p> <p><u>Add Text Comment:</u> <i>Add wording that addresses the need to plan for maintenance.</i></p> <p>PART 9 Text on page 131 regarding Timetable for Implementing <u>RECOMMENDATION:</u></p> <p><u>Add Text Comment:</u> <i>A complete list of all items identified for implementation, identification or creation should be made and added to this section. Identified opportunities for coordination with other local government bodies, boards and agencies should be listed as well. The need to maintain and expand baseline data needed for sound decision making should be discussed in terms of goals and benchmarks that will be</i></p>	<p>PART 5 No revisions suggested.</p> <p>PART 6 No revisions suggested. See third bulleted point under Subdivision Review on page 131</p> <p>PART 7 Staff disagrees.</p> <p>PART 8 Amend the end of the third sentence in the last paragraph on Page 132 to read: "...costs for planning, design, construction, and operation and maintenance of each CIP project."</p> <p>PART 9 Add new paragraph after first paragraph on top of page 128 that reads: <i>Implementation of the goals and policies outlined in the 2006 Growth Policy include several non-regulatory tools to create awareness and understanding of relevant topics affecting area growth. Listed below are the tools proposed in numerous policies, with the corresponding policy in parenthesis. The educational outreach, boards, and plans listed provide a basis for establishing and executing implementation methods in the future.</i></p> <p><i>Develop educational outreach for the following topics:</i></p>
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measured.

RECOMMENDATION:

Active Management of Timberlands (P.3.1)
Agricultural Practices (P.4.1)
Solid Waste and Wildlife (P.25.4)
Household Hazardous Waste Disposal (P.25.6)
Management of Septic Systems (P.29.4)
Impacts of Septic Systems on Water Resources (P.39.7)
Landowner's Guide to Nutrient Loading Reduction in Water Supply (P.34.3)
Storm Water Management (P.36.2)
Voluntary Conservation Strategies (P.38.2)
Living With Wildlife (P.40.2)
Mineral Resource Development (P.41.2)

Potentially establish the following boards, committees, or departments:

Open Space Board (P.4.8, P.9.4)

Housing Committee (P.16.2)

Building Department (P.16.6)

Natural Resources Task Force (P.40.1)

Create the following plans, programs, or studies:

Affordable Housing Plan (P.16.2)

Parks and Recreation Master Plan (P.17.5)

Recycling Pilot Program (P.25.5)

Water Quality Management Plan (P.27.3)

Wastewater Management Plan (P.29.3)

Emergency Services Plan (P.32.4)

Regional Wastewater Treatment System (P.35.3)

Storm Water Management Plan (P.36.3)

Air Pollution Plan (P.42.1)

Coordination and communication between existing and proposed boards and task forces is encouraged.

PART 10

Text on page 134 regarding Monitoring Implementing

Add Text Comment: Carry forward from the 1987 Flathead County Growth Policy the section on text interpretation provided on page iv.

“A plan, to be effective, must be used. Each time the Plan is consulted, because of an issue, those policies that are relevant should be identified. A finding should then be made as to the conformance of the identified policies to the issue, Where policies are not complied with or cannot be met, a specific finding should be made stating whether this is a clear violation of the policy or policies.”

PART 11

Text on page 135 regarding Citizen Initiated Amendments, second paragraph, first sentence.

PART 10

Please refer to suggested goal G.43 and policy P.43.1 in Chapter 2 Revisions.

PART 11

Please refer to suggested goal G.43 and policy P.43.1 in Chapter 2 Revisions.

RECOMMENDATION:

Add Text Comment: *Delete the first sentence and replace with the following.*

The Flathead County Growth Policy goals and polices are revised and updated with the adoption of this new growth policy. New maps are proposed for adoption as part of the implementation strategy. The existing 1987 Flathead County Growth Policy Map shall remain in effect until the new maps are developed and adopted.

DRAFT